

### **REMARKS**

Applicants have received and reviewed the Office Action dated April 27, 2009. Claim 2 is canceled without prejudice. Claims 1 and 3-23 are currently pending. Claims 13-20 are withdrawn. Claims 21-23 are amended. Support for the amendments may be found throughout the specification, for example, at the SEQIDNO listing.

### **SEQIDNO**

At page 2 of the Action, the Examiner notes that some claims lack SEQIDNO identifiers for the claimed sequences. Applicants have amended claims 21 and 22. Applicants believe all claims comply with the sequence rules.

### **Species Election Requirement**

At page 4 of the Action, the Examiner alleges the application contains claims directed to more than one species of the generic invention and that the species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

First, without acquiescing to any statements made by the Examiner, Applicants elect an activation domain comprising an amino acid sequence of SVSEIQL (aa 1-7 of SEQIDNO:1) and a receptor binding domain comprising an amino acid sequence of LRKKLQDVHNF (aa 24-34 of SEQIDNO:1). Applicants submit the elected species encompasses claims 1 and 3-23.

Second, without acquiescing to any statements made by the Examiner, Applicants elect a parathyroid hormone receptor agonist of SEQIDNO:1. Applicants submit the elected species encompasses claims 1 and 3-23.

Applicants traverse the Species Election Requirement because the species of claim 1 do form a single general inventive concept under PCT Rule 13.1. Claim 1 recites a PTH receptor agonist effective to reduce pain comprising at least 25 amino acids and having identified activation and receptor binding domains. The claimed sequences have the single inventive concept of a PTH receptor agonist effective to reduce pain.

Further, Applicants traverse the Species Election Requirement because it would not be unduly burdensome for the Examiner to search and examine all the claims. Applicants respectfully request Examination on the merits.

Applicants note that the Examiner has called claim 1 generic. Upon indication of allowance of a generic claim, Applicants are entitled to search and consideration of additional species which depend from or otherwise require all the limitations of allowable claims as provided by 37 C.F.R. § 1.141. *See* MPEP §809.02(a). Any claims directed to non-elected species must be rejoined or reinstated and fully examined for patentability. *See* MPEP §809.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

27 May 2009  
Date

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